IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6342 OF 2005

Mrs.Neeta Prakash Narang ...Applicant.

Versus

Mr.Shyamlal Tekchandani
and Anr. ...Respondents.

Mr.Subodh Desai, Advocate for the Applicant.

Mr.M.S.Kumtekar, Advocate for Respondent No.1.

Mr.S.S.Tatkare, APP, for the State-Respondent No.2.

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : OCTOBER 19, 2006.

P.C.:

1. Heard Mr.Desai, the learned counsel for the applicant-original accused No.1, Mr.Kumtekar, the learned counsel for respondent No.1-original complainant, and Mr.Tatkare, the learned APP for the State.

2. Mr.Desai, the learned counsel for the applicant-original accused No.1 states that complaint being Case No.776 of 2002 has been filed by respondent No.1-original complainant against

applicant. The said complaint is pending before the learned Metropolitan Magistrate, 21st Court at Bandra, Mumbai; and Case No.1214 of 2003 has been filed by the present applicant against respondent No.1 which is pending before the learned Metropolitan Magistrate, 9th Court at Bandra, Mumbai. The issue in Case No.776 of 2003 is whether the applicant has issued cheque in question in discharge of his legal liability or not. Whereas the issue in Case No.1214 of 2003 is whether respondent No.1 has wrongly withheld same cheque in question and has without any authority converted the same and tried to use this valuable security with intention to cause wrongful gain to respondent No.1 and wrongful loss to the applicant.

3. Mr.Desai, the learned counsel for the applicant states that in view of the above facts, it is necessary that both the cases are tried together. Mr.Kumtekar, the learned Advocate for respondent No.1-original complainant has stated that respondent No.1 has no objection to both the cases being tried by the learned Metropolitan

Magistrate, 9th Court at Bandra, Mumbai.

4. In view of the above, Case No.776 of 2002 be transferred from the Court of learned Metropolitan Magistrate, 21st Court at Bandra, Mumbai to the Court of learned Metropolitan Magistrate, 9th Court at Bandra, Mumbai and the said case be tried along with Case No.1214 of 2003. The trial in both these case is expedited.

5. Criminal application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)